

MINUTES
MALIBU CITY COUNCIL
SPECIAL MEETING
JUNE 18, 2003
COUNCIL CHAMBERS
6:30 P.M.

CALL TO ORDER

Mayor Kearsley called the meeting to order at 6:33 p.m.

ROLL CALL

The following persons were recorded in attendance by the Recording Secretary:

PRESENT: Mayor Ken Kearsley, Mayor Pro Tem Sharon Barovsky, Councilmembers Joan House, Jeffrey Jennings and Andrew Stern.

ALSO PRESENT: Katie Lichtig, City Manager; Christi Hogin, City Attorney; Scott Albright, Senior Planner; Mike Teruya, Planning Manager; and Lisa Pope, City Clerk.

APPROVAL OF AGENDA

MOTION Councilmember Jennings moved and Councilmember Stern seconded a motion to approve the agenda. The motion carried unanimously.

FLAG SALUTE

Rey Cano led the Pledge of Allegiance.

REPORT ON POSTING OF AGENDA

City Clerk Pope reported that the agenda for the meeting was properly posted on June 13, 2003.

Written and Oral Communications from the Public

Rey Cano discussed his difficulties in getting a street sign installed at the corner of Pacific Coast Highway and Via Escondido and requested the Council's assistance in the matter.

Lloyd Ahearn thanked the Council for supporting the appeal on the referendum related to the Local Coastal Program.

John Mazza requested closure to the issue of the easement on Portshead.

In response to the Council, City Manager Lichtig indicated she would look into the issue raised by Mr. Cano. She indicated she could provide information to the Council by the end of the month.

In response to Mayor Pro Tem Barovsky, City Manager Lichtig discussed a recent meeting in Sacramento regarding the status of AB1009. Mayor Pro Tem Barovsky discussed her meeting with California Environmental Protection Agency Secretary Heacox at which the possibility of purchasing the Chili Cook-off site for purposes of cleaning the City's water was discussed.

In response to Mayor Pro Tem Barovsky, City Attorney Hogin indicated the Portshead easement matter would be before the Council in the near future.

1. Public Hearing

Malibu Bay Company Development Agreement – Applicant: Malibu Bay Company; Owner: Malibu Bay Company; Location: Civic Center, Trancas Canyon, and Point Dume areas

Staff recommendation: Receive the staff report, open the public hearing and take public comment, consider input from the Planning Commission and Environmental Review Board, and discuss the Malibu Bay Company Development Agreement, the related entitlements, and the Draft Environmental Impact Report.

Mayor Kearsley thanked staff for the administrative record on the Malibu Bay Company Development Agreement.

City Attorney Hogin presented the staff report. She discussed the development agreement negotiations and the alternative proposal to the Malibu Bay Company (MBC) Development Agreement (Plan B). She suggested the Council consider the proposal and discuss the matter further at a special meeting on June 21, 2003.

In response to Councilmember Jennings, City Attorney Hogin explained the current commercial property on the Chili Cook-off site. She stated it was her understanding that the income on those properties would be in excess of \$500,000 per year.

Councilmember House asked if it was possible to put Plan A and Plan B on the ballot. City Attorney Hogin indicated there was no legal reason that both plans could not be placed on the ballot.

In response to Councilmember Jennings, City Attorney Hogin stated it could be possible to place Plan B on the November 2003 ballot, but it would depend on the amount of environmental review necessary.

Steve and Michael Ciniglio discussed the need for ball fields in the City of Malibu.

Michael Ciniglio stated ball fields were needed in Malibu.

Mitch Marmon stated baseball fields were necessary.

Shaan McPartlin stated the City needed fields to play on.

Jack Evans indicated support for the development agreement based on the offer to donate land for ball fields.

Hunter Evans stated the City needed to keep the fields for kids to play soccer and baseball.

John Mazza indicated support for clean water. He stated it appeared that the City would be paying \$43.5 million for the Chili Cook-off site based on the terms of the agreement. He stated the Coldwell Banker building would make a great community center. He stated Malibu Lumber could be converted into a city hall.

Steve Posey indicated opposition to the Malibu Bay Company development agreement. He discussed the Planning Commission's deliberations. He urged the Council to heed the advice of the Planning Commission. He indicated support for Plan B in the sense of creating open space and wastewater treatment in the Civic Center. He stated development in the Trancas area was excessive.

Pam Eilerson discussed her family's involvement in soccer. She discussed the need for playing fields for the children. She indicated opposition to the proposed development on the Trancas residential site. She urged the Council to reconsider the Trancas area.

Sally Benjamin deferred her time to Chris Benjamin.

Chris Benjamin concurred with Planning Commissioner Roney's comments on the development agreement. He urged the City to review the geological conditions on the Point Dume site proposed for ball fields. He discussed the EIR calculations on traffic and discussed the need for reconsideration. He objected to the proposed wastewater treatment plant. He indicated support for a treatment facility on the Chili Cook-off site.

Norm Haynie discussed the process of negotiations. He stated each side should be able to obtain 90% of what they want.

Sandra Genis, representing Malibu Community Action Network (CAN), stated Plan B appeared to address some of her previous concerns. She stated she looked forward to seeing how the Council would proceed.

Steve Uhring stated Plan B was a step in the right direction. He requested the Council consider comments regarding dense commercial development at Trancas. He announced a meeting at Juan Cabrillo School regarding the development agreement.

Patt Healy stated acquiring the Chili Cook-off site was an exciting and interesting possibility. She stated that more time to digest the matter was needed. She stated the agencies were interested in acquiring the Rider and Ropers' property for wetlands restoration. She agreed that Trancas would be getting an inordinate amount of commercial development. She asked why the Malibu Bay Company would be selling the built portion of the Chili Cook-off site. She asked if the City was interested in becoming a landlord and why.

Lucille Keller discussed State laws related to approval of a development agreement. She discussed the need for a development agreement to be consistent with the Local Coastal Program. She discussed the requested entitlements. She urged the Council to uphold the Planning Commission's recommendation of denial.

Ruby Fader discussed a recent meeting of the Pt. Dume Association at which David Reznick spoke on the Point Dume proposal. She discussed questions raised at the meeting. She suggested an ironclad clause ensuring the money was used for the intended purpose. She stated the Point Dume property was not appropriate for the proposed development.

Efrom Fader, representing Malibu Township Council, provided specific comments on the environmental impact report. He requested the Council deny the development agreement and environmental impact report.

George Mathy discussed the varying opinions on the development agreement. He discussed the responsibility to protect the City of Malibu.

Kelly Silverberg, representing Malibu AYSO, discussed the current registration numbers. She thanked the Council and Department of Parks and Recreation for creating the joint use agreement with the Santa Monica – Malibu Unified School District. She discussed the need for playing fields in Malibu. She indicated support for any plan that would provide ball fields.

Edward Albert discussed his work in public service. He asked the Council to ask themselves if they were willing to trade development for the risk of public safety.

Chris Hasselquist, Malibu Chamber of Commerce, discussed the Malibu Bay Company's willingness to negotiate. He stated the Malibu Bay Company was being responsive to negotiations. He indicated support for a ball field on the Chili Cook-off site.

Ted Vaill complimented the Council and Malibu Bay Company for considering the Planning Commission's recommendations regarding the agreement. He stated the Trancas residential sites were overcrowded. He urged the Council to consider modifications in the Trancas area.

Tammy Clark indicated support for additional negotiations. She questioned the urgency for having the matter on the November ballot. She stated it was critical to obtain public input and allow the public to review the proposal.

Steve Hotchkiss indicated support for the comments and decision made by the Planning Commission on the development agreement. He discussed the need for the urgent care center to have an endowment fund. He suggested the Riders and Ropers' property be acquired in the negotiation and that the property should be restored. He suggested that future Malibu Bay Company development not tie into the Malibu West wastewater treatment facility. He stated Trancas residential was too dense.

Richard Sol indicated support for a park in the Civic Center and playing fields. He stated he was excited about Plan B. He discussed the rise in the water table. He stated Winter Canyon should not become the percolation center for the civic center.

Suzanne Guldimmann expressed concern regarding the density of development proposed for the Trancas area. She indicated excitement about Plan B.

Beverly Hammond discussed the proposed development agreement. She listed groups that were not being included in the development agreement and the need for a place for groups to meet.

Joey Escobar discussed his karate school in the Trancas area. He discussed the need for youth activities.

Councilmember Jennings discussed the process of reaching an agreement. He expressed concern with becoming a landlord and discussed potential uses for the income stream. He explained that a 5,000 square foot community center was a suitable space for a community center, but there was no obligation for the center to be developed by Malibu Bay Company. He indicated that the City had a tremendous opportunity and the State was excited and has available money to help solve the City's problem. He expressed the need to grab the opportunity now. He expressed concern that if the City does not solve the problem, the State will design a legislative solution to fix it. He stated he had hoped that the negotiation would have maintained the donation agreement along with willingness to sell the property.

Mayor Pro Tem Barovsky stated that she heard the speakers were not happy with Plan A, but that she couldn't tell if speakers were happy with Plan B. In response to Ms. Clark, she explained the urgency to move forward to obtain grant money to purchase the Chili

Cook-off site. She explained the proposed wastewater treatment facility for the Chili Cook-off site. She discussed the Riders and Ropers' property.

In response to Mayor Pro Tem Barovsky, Senior Planner Albright indicated the Trancas residential site was 24.87 acres. He indicated there would be 10 acres of open space. Mayor Pro Tem Barovsky discussed Mr. Vaill's concern regarding clustering of houses. She discussed Mr. Mathy's quote of Harry Barovsky "with rights come responsibility." She indicated that the City has a responsibility to clean up the Lagoon and Surfrider for the community and the generations to come. She stated there was no development agreement that would give everyone what they want. She discussed her campaign promises. She requested the City Attorney ask if the Malibu Bay Company was amenable to building a 5000 square foot community center. She indicated she would like more flexibility on the \$2.5 million. She discussed the need for an urgent care facility. She stated she would like to hear public comments on Plan B.

Councilmember Stern thanked City Attorney Hogin and Malibu Bay Company for their hard work. He stated Plan B was more than a nice start. He stated he was amazed at Mr. Mazza's \$43 million calculation. He responded to Patt Healy that he was excited about the potential revenue stream from the commercial property on the Chili Cook-off site. He indicated that the City could not prevent the Malibu Bay Company from developing on their property. He stated he was excited about the current opportunity.

Councilmember House thanked the community for coming out to the meeting. She stated Plan B was an exciting prospect. She complimented Mr. Perenchio for putting Chili Cook-off on the table. She applauded City Attorney Hogin for her efforts in the negotiation process. She indicated she would like flexibility on designation of the \$2.5 million. She suggested the Friends of Urgent Care might be the people to designate where the money goes. She expressed support for having the Malibu Bay Company set aside 5000 square feet for a community center on Point Dume. She indicated the need for creative classrooms for young children. She stated that it was important to consider how an emergency staging area could remain on the Chili Cook-off site. She indicated the need to follow through and see if the City can secure a public access trail in Trancas Creek that permits people to get to the beach. She stated she would accept all five of the changes proposed by City Attorney Hogin. She asked if the City can sell the commercial portion of the Chili Cook-off site with no strings attached. She asked that it be clarified whether or not ball fields could go on the Chili Cook-off site. She stated that she endorsed and supported the Clean Water Act. She asked if all 825 AYSO players were from Malibu. Councilmember Jennings indicated AYSO draws from the County, surrounding areas, but that they are primarily from Malibu. She requested a wastewater consultant be available to address Winter Canyon, holding ponds on the Chili Cook-off site and other questions. She suggested the public read pages 13 and 14 of the staff report, Planning Commission recommendations, most of which had been dealt with. She complimented all of those who participated in moving the process forward.

Mayor Kearsley asked if Trancas commercial was included in Mr. Niles' design. City Attorney Hogin indicated they have accepted that for both Plan A or Plan B. Mayor Kearsley thanked Councilmember House for beginning negotiations with the Malibu Bay Company. He discussed the treatment of wastewater in the civic center. He discussed a zero discharge system. He stated that this was an opportunity to become a leader in cleaning up the bay and surf area. He discussed the City's need for an urgent care center. He stated it was necessary to get together, provide positive input and get the matter worked out.

ADJOURN At 8:40 p.m., Councilmember House moved and Mayor Pro Tem Barovsky seconded a motion to adjourn. The motion carried unanimously.

Approved and adopted by the City Council of
the City of Malibu on January 12, 2004.

KENNETH KEARSLEY, Mayor

ATTEST:

LISA POPE, City Clerk
(seal)